

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

JIMMY JOE COOLEY,)	Civil Action No.: <u>3:22-cv-1210-SAL</u>
)	
Plaintiff,)	
)	
vs.)	
)	NOTICE OF REMOVAL
PODS ENTERPRISES, LLC,)	
)	
Defendant.)	
_____)	

Now comes Defendant PODS ENTERPRISES, LLC, (referred to herein as either “PODS” or “Defendant”) and files this notice of removal showing the Court the following:

1.

This action was commenced on March 7, 2022 in the Court of Common Pleas for the State of South Carolina, County of Sumter, as Case No. 2022CP4300371, and service of process was served on PODS via certified mail on March 14, 2022. Copies of the Summons and Complaint are attached as Exhibit A.

2.

This Notice of Removal is filed within 30 days of service on PODS in accordance with the provisions of 28 U.S.C. § 1446(b).

4.

Plaintiff is a citizen of South Carolina and resides in Lee County. (Complaint, ¶ 1.)

5.

PODS is a corporation organized under the laws of the State of Florida (Complaint, ¶ 2), with its headquarters, principal place of business, and nerve center located in Clearwater, Florida.

6.

Plaintiff seeks recovery for personal injuries allegedly sustained in a motor vehicle accident involving a large commercial vehicle operated by a PODS employee. PODS believes that Plaintiff seeks compensation for his alleged injuries in excess of \$75,000.00.

7.

This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because Plaintiff and PODS are citizens of different states and the amount in controversy exclusive of interest and costs exceeds \$75,000.

8.

Venue lies in this Court because Plaintiff's action is pending in this district and division. *See* 28 U.S.C. § 1441(a).

9.

Promptly after the filing of this Notice of Removal, PODS will give notice of the filing of this Notice of Removal to the Court of Common Pleas for the State of South Carolina, County of Sumter, and to Plaintiff through his attorney in compliance with 28 U.S.C. § 1446(d).

WHEREFORE, PODS prays that the Court of Common Pleas for the State of South Carolina, County of Sumter, proceed no further with Case No. 2022-CP-43-00371 and that the action be removed to the United States District Court for the District of South Carolina, Columbia Division.

Submitted this 13th day of April, 2022.

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Attorneys for Defendant PODS Enterprises, LLC

CERTIFICATE

PODS Enterprises, LLC, Defendant in the case of *Jimmy Joe Cooley v. PODS Enterprises, LLC*, pending in the Court of Common Pleas for the State of South Carolina, County of Sumter, Case No. 2022-CP-43-00371, has given notice of the filing of the foregoing Notice of Removal to the Plaintiff by mailing a copy of this Notice of Removal to Plaintiff's counsel at his address in Richland County, South Carolina, and has filed a copy of said Notice of Removal with the Clerk of the Court of Common Pleas for the State of South Carolina, County of Sumter, in accordance with 28 U.S.C. § 1446. The undersigned counsel of record for Defendant hereby certifies that the above statement is true and correct.

This 13th day of April, 2022.

WOMBLE BOND DICKINSON (US) LLP

S/ [F. Cordes Ford](#)

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